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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,763	01/30/2002	Jaap Herman van't Hoff	7913-033	4880
26171	7590	02/02/2005	EXAMINER	
FISH & RICHARDSON P.C. 1425 K STREET, N.W. 11TH FLOOR WASHINGTON, DC 20005-3500			HEPPERLE, STEPHEN M	
			ART UNIT	PAPER NUMBER
			3753	

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/058,763

Applicant(s)

VAN'T HOFF, JAAP HERMAN

Examiner

Stephen M. Hepperl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-16, 18-27 and 29-36 is/are rejected.
- 7) ☒ Claim(s) 5, 17 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 19, "the connecting element" seems to have no antecedent basis. Should the claim more properly depend from 18?

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 8, 9, 13-15, 20-21, 23-26, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Eidsmore (5,303,734). Eidsmore shows a pressure regulator with a housing with an inflow opening 20, outflow 22, and a fluid path 24 that extending around a sealed gas filled chamber 32. An inlet pipeline containing 3000 psi fluid (col. 3) is seen as inherent to Eidsmore. The inner side of pressure sensor element 34 is seen as the plunger that is accommodated in the gas charged chamber 90. The valve 68 is urged to an open (first) position by a combination of the gas pressure and the "very high" spring rate of the bellows (col. 6, lines 13-18), which is seen as the recited resilient element. As applicant pointed out in his remarks, spring 120 works in the opposite direction to partially counteract the other bias forces. The plunger (valve head) moves in a direction parallel to gas flow and the pipeline connections. Regarding claims 9 and 21, the inlet and outlet tubes are seen as the recited mounting means, providing a nipple for welding, soldering, etc.

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Claims 35-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Eidsmore (5,033,505). Eidsmore (Fig. 6) shows a regulator where a gas charged chamber 92 with a path around the outside of the chamber. The valve moves based on the pressure difference between the outlet (acting on sensor 82) and the chamber.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 11-12, 16, 27, and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eidsmore ('734). There is no explicit teaching that Eidsmore is made of metal, but it is implied by the fact that components are welded together. In any event, it would have been obvious to make Eidsmore of metal because of its known strength in the environment Eidsmore is exposed to. With respect to claim 9, it would have been obvious to provide means to connect Eidsmore to the pipelines it controls. Regarding claims 11-12, it would have been obvious to connect the downstream outlet 22 of Eidsmore to a downstream pipe in order to make the controlled fluid useful to a remote consumer. Regarding claim 12, it would have been obvious to connect Eidsmore to an end chamber if the regulator can be located next to the consuming device.

Claims 6-7, 18, 19 as understood, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eidsmore ('734) in view of Salter et al. Note Eidsmore connecting element 62. It is notoriously well known to provide valves, including pressure regulators as shown by Salter, with a removable head and seat unit. It would have been obvious to provide Eidsmore with a

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removable valve seat unit as shown by Salter to allow replacement of the insert to repair a worn seat, rather than replacing the entire housing.

Claims 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eidsmore ('734) in view of Rogers. Rogers shows an in-line pressure regulator with a bayonet coupling. It would have been obvious in view of Rogers to provide the Eidsmore device with bayonet couplings to make it faster and easier to make the connections, as well known in the valve arts.

Claims 5, 17, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 34 is allowed.

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Hepperle whose telephone number is 571-272-4913. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on 571-272-4930. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stephen M. Hepperle  
Primary Examiner  
Art Unit 3753

SMH